

REMARKS

Amendments to the Claims

Claim 1 is amended to correct an error therein discovered upon a closer review of the application. Claim 1 of the application originally recited that “a pore volume, measured by mercury porosimetry, encompassed in the pores with diameters of more than 500 Å, of less than 0.1 ml/g” (emphasis added) while the corresponding recitation in the specification and in other claims everywhere was “less than 0.01 ml/g” (emphasis added). Nowhere else in the application was said value as recited in claim 1.

Additionally, this application claims priority to FR 02/13640 and the claims in this application when filed were a translation of the claims of FR 02/13640. It is readily apparent when comparing the French text that claim 1 in the priority document too recites “less than 0.01 ml/g” for said value. Thus, apparently a translation error occurred which was not discovered until now.

Coincidentally, claims 36 and 37 reciting that the pore volume, measured by mercury porosimetry, in the pores with diameters of more than 500 Å is 0.01 ml/g and 0.001 ml/g, respectively, are indicated as allowable. Thus, the correction of the error in claim 1 also readily places said claim and its dependent claims in condition for allowance. Since such is the case, the entry of the amendments is respectfully requested.

Applicants never intended to prosecute a claim directed to catalysts as recited previously in claim 1 and apologize for any inconvenience to the USPTO for not realizing the translation error. The amendment in sum merely corrects an error in the claim which appears to have occurred when translating the priority document. Thus, this amendment is not one where applicants deliberately claimed a broad invention from which they had to step back in view of prior art, but a case where an error caused a claim to be broader than intended. Coincidentally, the correction of the error places the application in condition for allowance.

Claim 9 and claims dependent on it already recited said feature, i.e., that the “pore volume, measured by mercury porosimetry, encompassed in the pores with diameters of more than 500 Å, of less than 0.01 ml/g” (emphasis added). Thus, claim 9 and its dependent claims should have been allowed for at least the same reasons as claims 36 and 37 were noted allowable.

Claim 36, noted as allowable, is rewritten in independent form. Claim 36 is otherwise identical to claim 1, except for the pore volume in question in claim 36 is "0.01 ml/g," while in claim 1 said pore volume is "less than 0.01 ml/g."

Withdrawn Claims

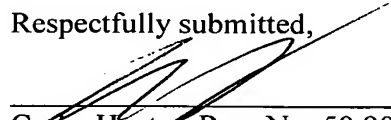
Regarding the withdrawn claims the Office Action indicates that the cancellation thereof is required or other appropriate action under MPEP 821.01. However, applicants request the rejoinder of the withdrawn claims in accord with MPEP § 821.04. The rejoinder under this section does not depend on whether the election was traversed or not. Moreover, when making the election, even then applicants discussed the rejoinder of the non-elected claims.

MPEP 821.01 states that "if the elected invention is directed to the product and the claims directed to the product are subsequently found patentable, process claims [both process of making and using] which either depend from or include all the limitations of the allowable product will be rejoined."

Applicants satisfy the requirements of the MPEP in that the withdrawn process claims depend on the product claims that should be allowable and incorporate all the limitations of such product claims. Accordingly, rejoinder of the non-elected claims is respectfully requested as mandated by the rejoinder provisions of the MPEP.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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